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REMARKS

Claims 1, 15, and 18 have been amended to more particularly point out and distinctly claim the present invention in accord with a recent discussion with Examiner Drodge. Claim 1 has been amended to delete reference to the combination valve being "unitary" in order to expedite prosecution of this application. For the record, Applicants submit that the drawing and text clearly support the recitation that the combination valve is unitary (see, for example, Figs. 3 and 4 and the description thereof in the Specification). Claims 1, 15, and 18 have each been amended as suggested by the Examiner to recite that the combination valve is configured such that when there is no fluid flow, the first portion prevents fluid flow through the first opening from within the housing. Claims 1-18 remain in the application for consideration.

The present invention pertains to a combination check and bypass valve for use in a filter assembly. The filter assembly includes a housing open at one end, an annular filter media/core assembly, and an end plate closing the open end of the housing. The end plate has first and second inlet openings and an outlet opening. The check valve portion of the combination valve performs an anti-drain back function and the bypass portion of the combination valve enables fluid to bypass the annular filter media/core assembly in the filter assembly in use. When the engine is turned off, the first portion of the combination valve will close the first inlet openings and prevent return of fluid (oil) in the filter assembly to the engine. The unique end cap design and the orientation of the openings therein is a facilitating factor in both construction and operation of the filter assembly. The construction of the combination check valve and bypass valve and the cooperation of the combination check valve and bypass valve with the end plate contribute to easier assembly and enhanced performance. The respective circles of openings in

the end plate are fairly close to one another. The combination valve is constructed so that it can be retained in place against the end plate by the filter means by contact between the two circles of openings. This arrangement seals fluid flow through one circle of openings from the fluid flow through the other circle of openings. Tolerances need not be tight to obtain the sealing results desired.

The present invention is not taught or suggested by Silverwater. Silverwater does not anticipate any of the eighteen claims in this application. Clearly the disc 11 is not a combination valve as recited in claims 1-18-rather it is a spring disc valve that performs only a check valve function. Both the structure and function of the Silverwater valve are different from that of the present invention. When the disc 11 of Silverwater is moved away from the surface 14, passage 16 is opened to flow of fluid from the inlet passage 4 through passage 7 to passage 16 and thence to space17 between the core 41 of the primary filter element 40 and the secondary filter element 50. A separate member is used to perform the bypass function, namely, the relief valve assembly, which includes the disc 80. The separate disc valves 11 and 80 are entirely different in construction and function from the applicants' combination anti-drainback valve and bypass valve.

The interpretation of Silverwater by the Examiner distorts Silverwater. For example, claim 1 calls for a combination valve 26 having a first portion 28 that cooperates with first inlet openings 30 in the end plate 18 and a second portion 32 that cooperates with the second inlet openings 34 in the end plate 18. The claim recites that the second portion 32 has more resistance to fluid flow than the first portion 28. Reference is made by the Examiner to column 9, lines 53-55, however, these lines merely recite that the discs can be uniform in thickness throughout or can vary in thickness, thinner at the center than at the edge, to give improved flexing and sealing.

There is no suggestion whatsoever in Silverwater that the disc valve 11 performs both the check (or anti-drain back) and bypass functions. Claim 1 recites that the combination valve is configured such that when there is no fluid flow, the first portion prevents fluid flow through the first opening means from within the housing. This feature is nowhere suggested in Silverwater. Claim 1 defines patentable subject matter and is clearly patentable over Silverwater. Independent claims 15 and 18 should be allowed together with claim 1 for the reasons noted with respect to claim 1.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,

Date: August 15, 2006

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CERTIFICATE OF MAILING

I hereby certify that this paper and its attachments are being faxed to the United States Patent Office to Examiner Joseph W. Drodge, Group Art Unit 1723 at (571) 273-8300, on August 15, 2006.

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Seymour Rothstein